

AMENDED IN ASSEMBLY JUNE 18, 2008
AMENDED IN SENATE JANUARY 28, 2008
AMENDED IN SENATE JANUARY 17, 2008
AMENDED IN SENATE JANUARY 7, 2008

SENATE BILL

No. 364

Introduced by Senator Simitian

February 20, 2007

An act to ~~amend Sections 1798.29 and 1798.82 of~~ *add Sections 1798.29.5 and 1798.82.5 to* the Civil Code, relating to personal information.

LEGISLATIVE COUNSEL'S DIGEST

SB 364, as amended, Simitian. Personal information: privacy.

Existing law requires any agency, and any person or business conducting business in California, that owns or licenses computerized data that includes personal information, as defined, to disclose in specified ways, any breach of the security of the system or data, as defined, following discovery or notification of the security breach, to any California resident whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. *Existing law also requires any agency, person, or business that maintains computerized data that includes personal information that the agency, person, or business does not own to notify the owner or licensee of the information of any breach of the security of the data immediately following discovery, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.*

This bill would provide specific requirements as to how an agency, person, or business shall provide those notices. This bill would also require the agency, person, or business, in addition to the duties specified above, to submit electronically ~~report~~ a copy of the notification of the breach to the ~~Office of Information Security and Privacy Protection Attorney General~~, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes.
 State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1798.29.5 is added to the Civil Code, to
 2 read:
 3 1798.29.5. (a) Any agency that must issue a security breach
 4 notification pursuant to Section 1798.29 shall meet all of the
 5 following requirements:
 6 (1) The security breach notification shall be written in plain
 7 language.
 8 (2) The security breach notification shall include, at a minimum,
 9 the following information:
 10 (A) The name and contact information of the reporting agency
 11 subject to this section.
 12 (B) A list of the types of personal information, as defined in
 13 Section 1798.29, that were or are reasonably believed to have
 14 been the subject of a breach.
 15 (C) The approximate date of the breach, if known, and the date
 16 of the notice.
 17 (D) Whether the notification was delayed as a result of a law
 18 enforcement investigation.
 19 (E) A general description of the breach incident.
 20 (F) The estimated number of persons affected by the breach.
 21 (G) The toll-free telephone numbers and addresses of the major
 22 credit reporting agencies if the breach exposed a bank account or
 23 credit card number, a social security number, or a driver's license
 24 or California Identification Card number.
 25 (3) At the discretion of the agency, the security breach
 26 notification may also include:
 27 (A) Information about what the agency has done to protect
 28 individuals whose information has been breached.

- 1 (B) Advice on steps that the person whose information has been
2 breached may take to protect himself or herself.
- 3 (b) An agency that must issue a security breach notification
4 pursuant to subdivision (a) or (g) of Section 1798.29 shall:
- 5 (1) Submit electronically to the Attorney General a single sample
6 copy of any security breach notification letter sent to over 1,000
7 California residents pursuant to subdivision (a) of Section 1798.29.
- 8 (2) Submit electronically to the Attorney General a single sample
9 copy of any substitute security breach notification sent to
10 California residents pursuant to subdivision (g) of Section 1798.29.
- 11 SEC. 2. Section 1798.82.5 is added to the Civil Code, to read:
12 1798.82.5. (a) Any person or business that must issue a
13 security breach notification pursuant to Section 1798.82 shall meet
14 the following requirements:
- 15 (1) The security breach notification shall be written in plain
16 language.
- 17 (2) The security breach notification shall include, at a minimum,
18 the following information:
- 19 (A) The name and contact information of the reporting person
20 or business subject to this section.
- 21 (B) A list of the types of personal information, as defined in
22 Section 1798.82, that were or are reasonably believed to have
23 been the subject of a breach.
- 24 (C) The approximate date of the breach, if known, and the date
25 of the notice.
- 26 (D) Whether the notification was delayed as a result of a law
27 enforcement investigation.
- 28 (E) A general description of the breach incident.
- 29 (F) The estimated number of persons affected by the breach.
- 30 (G) The toll-free telephone numbers and addresses of the major
31 credit reporting agencies if the breach exposed a bank account or
32 credit card number, a social security number, or a driver's license
33 or California Identification Card number.
- 34 (3) At the discretion of the person or business, the security
35 breach notification may also include:
- 36 (A) Information about what the person or business has done to
37 protect individuals whose information has been breached.
- 38 (B) Advice on steps that the person whose information has been
39 breached may take to protect himself or herself.

1 (b) A person or business that must issue a security breach
2 notification pursuant to subdivision (a) or (g) of Section 1798.82
3 shall:

4 (1) Submit electronically to the Attorney General a single,
5 sample copy of any security breach notification letter sent to over
6 1,000 California residents pursuant to subdivision (a) of Section
7 1798.82.

8 (2) Submit electronically to the Attorney General a single,
9 sample copy of any substitute security breach notification sent to
10 California residents pursuant to subdivision (g) of Section 1798.82.

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**All matter omitted in this version of the bill
appears in the bill as amended in the
Senate, January 28, 2008 (JR11)**